

# **Report of Subcommittee on Lawyer Recruitment and Training for Indigent Clients**

Approved by Commission 8/10/06

## **Pro Se Committee**

### **Report From Subcommittee on Lawyer Recruitment and Training for Indigent Clients**

The Subcommittee on Recruitment and Training submits the following recommendations and “action items” for the committees review.

1. **Use of existing infrastructure in recruiting attorneys.** The Subcommittee decided for the successful recruitment of attorneys, we must use the present infrastructure of legal organizations across the state and locally. There are two target organizations. There are the various Legal Service organizations (Legal Services, and other “under the radar” not for profit organizations that provide legal representation for indigent clients, Samaritan Center Legal Care, run by out Subcommittee member Lou Defeo).

Before using these organizations, the first step is for the Chief Justice of the Supreme Court to write a letter to all attorneys in the state asking them to devote time in their practice for pro bono work. Second, the Missouri Bar, in partnership with all local Bars enhance their efforts to recruit local lawyers for volunteer work on domestic cases. We would rely mainly on local Bars and legal service organizations to develop lists of attorneys willing accept these cases. Further, assisting these attorneys, the local organization will screen and initially interview the clients, examining their needs, before referring them on to the attorney.

Over a period of three years, the Court and Bar leaders should visit each local Bar association and encourage the association to make pro bono services a core component of the Bar association. The means and methods should be proportionate to the size of the local Bar and the needs of the community. This would include designating an individual

or committee within the local association to be the coordinator of pro bono services. This coordinator would promote pro bono recruitment and service, public recognition in the community, and partnering with local public and private social agencies which have contact with the legally needy.

Finally, we suggest that the names of all the volunteer attorneys be placed on the Missouri Bar website. However, their names could only be accessed by local not for profit service providers so they may have lists of attorneys to refer clients.

2.     **Law School Involvement.** The Committee has agreed that successful programs at Washington University and St. Louis University Legal Clinics in providing no cost representation for clients is a huge success. In addition, another successful program run by Marie Kenyon at St. Louis University has been the provision of free legal advice to domestic clients in the St. Louis City Civil Courthouse. Marie has been working along with our committee member Anne-Marie Clarke in placing the students in the space in the Civil Courts Building. The students are then supervised by Marie or another attorney in assisting clients in self-represented matters. We are happy to report that both the University of Missouri Kansas City and University of Missouri Law Schools are willing to participate in a program much like these. The University of Missouri has stated they would like to begin in Boone County this semester and Callaway next semester. We have contact persons at both schools and they are ready to proceed following today's meeting. It is only a matter of linking up the resources that have been applied in St. Louis to those in Columbia and Kansas City to get their respective programs going. The Clinic has been a huge help for indigent clients, and has been very popular with the local Bar.

3. **Removing Obstacles.** One of the main issues addressed by our Subcommittee is creating an environment making it easier for lawyers to volunteer their time to serve indigent clients. The target group here are attorneys working in government for large corporations or large firms, and retired lawyers. The charge here is ideas for removing these obstacles to get these lawyers into the courtroom for the clients.

The first and probably most important issue is the provision of malpractice insurance. The Committee has discovered, RSMo. 105.711 has been amended to allow any attorney who is working on behalf of a not for profit corporation (i.e., an attorney who has been referred by Legal Services or Good Samaritan) to be able to enjoy benefits of the State Legal Expense Fund in the event they are the subject of a malpractice action. In short, they will be covered by this fund. We strongly encourage the Missouri Bar through its CLE Department to make note of this in every CLE presentation in the Missouri Bar Journal, announcing to the state bar that attorneys are covered.

a. Informing the Judges. A consistent complaint among those attorneys who are serving, has been the education of judges in the handling of attorneys and their clients in pro bono situations. We suggest a partnership with QSCA, educating the judges, to set up such habits as taking pro bono attorneys first on their Law day or Motion dockets, and even setting up a separate docket for volunteer attorneys.

b. Electronic Desk Book. In addition to CLE, attorneys who are taking pro bono work in domestic law need information, especially those who we have targeted in government and large corporations. Education could easily be provided through the provision of a virtual desk book through the Missouri Bar website. This book, which only be accessible by attorneys who submit a PIN number, would have at their

fingertips draft motions and instructions on what to do in certain situations. We look to the Missouri Bar to provide authorship for this virtual guidebook.

c. Waiving CLE Fees for Those Attorneys Doing Volunteer Work.

As part of removing obstacles, we would ask the Missouri Bar to explore the possibility of identifying those attorneys who on a consistent basis provide pro bono work, and then offering waiver of certain CLE fees as a reward for their service.

d. We suggest local Bars request attorneys to contribute conference room or temporary office space (for retired attorneys) for clients to meet with attorneys. The use of office and meeting rooms offer an alternative to those attorneys who are unable to give enough time for volunteer work, providing a better sense of investment in the local community for assistance of indigent participants in the system.

These submitted items are what we think can be implemented immediately and effectively. Thanks.

Jack Garvey  
Pro bono Committee Member